

December 8, 2004

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **EX PARTE**
T-Mobile USA, Inc.-Western Wireless Corp.-Nextel Communications-
Nextel Partners Petition for Declaratory Ruling and Sprint Petition for
Declaratory Ruling (CC Docket No. 01-92)

Dear Ms. Dortch:

On December 7, 2004, Paul Garnett of CTIA — The Wireless Association,TM Lorrie Turner of T-Mobile USA, Inc., and Cheryl Tritt of Morrison & Foerster LLP met with John Stanley, Jeff Dygert, Linda Kinney, and Chris Killion to discuss two petitions for declaratory ruling, one filed jointly by T-Mobile, Western Wireless Corporation, Nextel Communications, and Nextel Partners (“Joint Petition”), and a second petition filed by Sprint Corporation (“Sprint Petition”). The parties provided talking points at the meeting, a copy of which is attached.

The Joint Petition seeks clarification that wireless termination tariffs unilaterally filed by local exchange carriers (“LECs”) with multiple state public utility commissions are unlawful under the Communications Act of 1934, as amended (“Act”). The parties reiterated arguments advanced in that petition and in subsequent *ex parte* filings. In particular, the parties noted that wireless termination tariffs bypass federally prescribed interconnection requirements under Sections 251 and 252 of the Act and provide for parallel state proceedings that are not subject to federal judicial review. The parties further asserted that every federal appellate court addressing the issue has preempted tariffs filed in lieu of an interconnection agreement. The parties further stated that the Commission’s longstanding precedent and policy prohibit LECs from unilaterally imposing wireless termination tariffs upon wireless carriers.

Additionally, the parties discussed the Sprint Petition, which seeks clarification that wireless carriers can designate separate rating and routing points for

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the exchange of local traffic under existing numbering and interconnection rules. The parties reiterated arguments advanced in that petition and in subsequent *ex parte* filings. In particular, the parties discussed recent federal and state precedent governing the financial obligations of parties indirectly interconnected.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, a copy of this letter is being filed with the Secretary's office for inclusion in the above-referenced proceeding.

Respectfully submitted,

/s/ Paul Garnett

Paul Garnett

Attachment

cc: John Stanley
Jeff Dygert
Linda Kinney
Chris Killion